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6 Gail Choi

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **WESTERN DIVISION**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 \$3,168,400.00 IN U.S. CURRENCY,  
\$489,000.00 IN U.S. CURRENCY  
15 FROM A SAFE DEPOSIT BOX AT  
WILSHIRE STATE BANK,  
16 \$200,000.00 IN U.S. CURRENCY  
FROM A SAFE DEPOSIT BOX AT  
17 BANK OF AMERICA, \$138,401.14  
IN BANK FUNDS FROM  
18 WILSHIRE STATE BANK, 72  
GOLD BARS, AND 184 ASSORTED  
19 COINS,

20 Defendants.

21 Case No. CV 17-05766-PA (AFMx)

22 **CLAIMANT GAIL CHOI'S  
ANSWER TO VERIFIED  
COMPLAINT FOR FORFEITURE;  
DEMAND FOR JURY TRIAL**

1 **TO ALL PARTIES, AND TO THEIR COUNSEL OF RECORD:**

2 Claimant Gail Choi (“Claimant”) admits, denies, and alleges as follows in  
3 answer to the verified complaint (“Complaint”) of plaintiff United States of America:

4 **JURISDICTION AND VENUE**

5 1. Admit.

6 2. Claimant admits that this Court has original jurisdiction over civil actions  
7 commenced by the United States. Claimant denies that this Court has jurisdiction over  
8 this action for civil forfeiture.

9 3. Admit.

10 **PERSONS AND ENTITIES**

11 4. Admit.

12 5. Claimant admits that Defendants Assets are as described and were seized  
13 by agents conducting searches at her residence in Los Angeles County, safe deposit  
14 boxes at Bank of America and Wilshire State Bank as well as bank account at Wilshire  
15 State Bank. Claimant lacks knowledge or information sufficient to form a belief about  
16 the truth of the remaining allegations in this Paragraph of the Complaint and thus, must  
17 deny.

18 6. Claimant lacks knowledge or information sufficient to form a belief about  
19 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

20 7. Admit.

21 **EVIDENCE SUPPORTING FORFEITURE**

22 8. Claimant lacks knowledge or information sufficient to form a belief about  
23 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

24 9. Claimant lacks knowledge or information sufficient to form a belief about  
25 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

26 10. Claimant lacks knowledge or information sufficient to form a belief about  
27 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

1       11. Claimant lacks knowledge or information sufficient to form a belief about  
2 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

3       12. Claimant lacks knowledge or information sufficient to form a belief about  
4 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

5       13. Claimant lacks knowledge or information sufficient to form a belief about  
6 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

7       14. Claimant lacks knowledge or information sufficient to form a belief about  
8 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

9       15. Claimant lacks knowledge or information sufficient to form a belief about  
10 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

11       16. Claimant lacks knowledge or information sufficient to form a belief about  
12 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

13       17. Claimant admits that she had contact with an individual regarding the  
14 location and time of his delivery to her residence. Claimant lacks knowledge or  
15 information sufficient to form a belief about the truth of the remaining allegations in  
16 this Paragraph of the Complaint and thus, must deny.

17       18. Claimant admits that she intended to meet an individual in front of her  
18 residence and encountered agents outside her residence, where she was detained.  
19 Claimant lacks knowledge or information sufficient to form a belief about the truth of  
20 the remaining allegations in this Paragraph of the Complaint and thus, must deny.

21       19. Claimant lacks knowledge or information sufficient to form a belief about  
22 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

23       20. Claimant lacks knowledge or information sufficient to form a belief about  
24 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

25       21. Claimant admits that agents searched her residence. Claimant lacks  
26 knowledge or information sufficient to form a belief about the truth of the remaining  
27 allegations in this Paragraph of the Complaint and thus, must deny.

1       22. Claimant lacks knowledge or information sufficient to form a belief about  
2 the truth of all the allegations in this Paragraph of the Complaint and thus, must deny.

3       23. Claimant does not know what Jaregui told agents. So, Claimant lacks  
4 knowledge or information sufficient to form a belief about the truth of all the  
5 allegations in this Paragraph of the Complaint and thus, must deny.

6       24. Claimant does not know what Jaregui told agents. So, Claimant lacks  
7 knowledge or information sufficient to form a belief about the truth of all the  
8 allegations in this Paragraph of the Complaint and thus, must deny.

9       25. Claimant does not know what Jaregui told agents. So, Claimant lacks  
10 knowledge or information sufficient to form a belief about the truth of all the  
11 allegations in this Paragraph of the Complaint and thus, must deny.

12       26. Claimant does not recall saying that her daughter told her to meet with an  
13 individual to receive money but does not deny that she might have said it. Claimant  
14 denies other allegations,

15       27. Claimant denies the allegations.

16       28. Claimant admits that the arrest of the individual by agents made the nature  
17 of the currency held by him appear suspicious. Claimant denies the other allegations.

18       29. Claimant admits that agents searched the residence, and found a safe in a  
19 bedroom that appeared to be used for storage. Claimant further admits that agents  
20 found and seized \$3,168,400 in U.S. currency, 184 assorted valuable coins, and 72  
21 gold bars from that safe. Claimant lacks knowledge or information sufficient to form a  
22 belief about the truth of the remaining allegations in this Paragraph of the Complaint  
23 and thus, must deny.

24       30. Claimant denies the allegations.

25       31. Admit.

26       32. Claimant admits that agents seized \$489,900 in U.S. currency from a safe  
27 deposit box at Wilshire State Bank, \$200,000 in U.S. currency from a safe deposit box  
28 at Bank of America, and \$138,401.14 in bank funds from Wilshire State Bank.

1 Claimant lacks knowledge or information sufficient to form a belief about the truth of  
2 the remaining allegations in this Paragraph of the Complaint and thus, must deny.

3 **CLAIMS FOR RELIEF**

4 33. Deny.  
5 34. Deny.  
6 35. Deny.

7 **FIRST AFFIRMATIVE DEFENSE**

8 **Innocent Owner**

9 36. Claimant is an innocent owner per 18 U.S.C. § 983(d). She had no reason  
10 to know or reasonably suspect that any of the Defendant Assets were involved in or  
11 traceable to proceeds of drug trafficking, money laundering in support of drug  
12 trafficking, or involved in an unlicensed money transmission. Nor has Claimant ever  
13 consented to the illegal activity. Additionally, in instances where Claimant acquired  
14 her property interest after the alleged illegal activity, she was a bona fide purchaser for  
15 value and, again, did not know or was reasonably without cause to believe that the  
16 Defendant Asset in question was subject to forfeiture. Claimant has been wrongly  
17 profiled as being part of the Black Market Peso Exchange, simply because she is an  
18 Asian woman who had contact with a Latino man identified as sometimes working for  
19 the drug cartels.

20 **SECOND AFFIRMATIVE DEFENSE**

21 **Excessive Fine In Violation Of The Eighth Amendment**

22 37. The forfeiture of the Defendant Assets is grossly disproportional to the  
23 offense within the requirements of 18 U.S.C. § 983(g)(4), so as to avoid a violation of  
24 the Excessive Fines Clause of the Eighth Amendment of the Constitution. The  
25 Government correctly identified the \$100,000 in Jaregui's possession as being drug  
26 proceeds. Those moneys were forfeitable. To now seek, on that same basis, the  
27 forfeiture of Defendant Assets is grossly disproportional. This is especially so when  
28 the Government's allegations concern cash, not any assorted coins, or gold bars, or

1 money held in bank safe deposit boxes, or bank accounts. Claimant will show that  
2 these valuables were obtained through legitimate means: primarily an import-export  
3 business.

4 **THIRD AFFIRMATIVE DEFENSE**

5 **Unlawful Search and Seizure**

6 38. Agents lacked probable cause to search Claimant Choi's residence when  
7 they entered her premises without a warrant and without Claimant Choi's consent.  
8 Agents later engaged in an unlawful seizure of the Defendant Assets from Choi's  
9 residence in that they lacked probable cause to seize the Defendant Assets found in the  
10 safe. The alert by the dog, in and of itself, is inadequate to establish probable cause for  
11 the seizure of all items from the safe.

12 39. Additionally, agents lacked probable cause to seize the bank statements  
13 and safe deposit box keys and the Defendant Assets located in bank safe deposit boxes  
14 and in a bank account. Those Defendant Assets were seized merely because of  
15 ownership or possession by Claimant, not because probable cause exists for their  
16 involvement in any criminal activity.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 **Lack Of Subject Matter Jurisdiction**

19 40. The Court lacks subject matter jurisdiction over this matter for civil  
20 forfeiture, under 28 U.S.C. § 1355.

21 **FIFTH AFFIRMATIVE DEFENSE**

22 **Lack Of *In Rem*/Personal Jurisdiction**

23 41. The Court lacks *in rem*/personal jurisdiction over Defendant Assets. .

24 **SIXTH AFFIRMATIVE DEFENSE**

25 **Unlawful Detention Of Claimant**

26 42. After Jaregui had been detained, agents unlawfully detained and  
27 questioned Claimant .

## **SEVENTH AFFIRMATIVE DEFENSE**

## **Violation Of Civil Rights Of Claimant**

43. Claimant has been wrongly profiled as being part of the Black Market Peso Exchange, simply because she is an Asian woman who allegedly had contact with a Latino man identified as sometimes working for the drug cartels. When combined with her unlawful detention, search, and seizure by agents, Claimant's civil rights have been doubly violated now that the Government seeks to forfeit her assets.

WHEREFORE, Claimant prays for relief as follows:

1. That Plaintiff takes nothing and be afforded no relief in this action;
2. That Defendant Assets be transferred to Claimant;
3. For costs and attorneys' fees incurred herein; and
4. For other such relief as the court deems just.

DATED: 12-20-17

LIMNEXUS, LLP

By:

Pio S. Kim, Esq.  
Alexander Su, Esq.  
Attorneys for Claimant

**DEMAND FOR JURY TRIAL**

Claimant hereby demands trial by jury in this action.

DATED: 12-20-17

LIMNEXUS LLP

BY: 

Pio S. Kim, Esq.  
Alexander Su, Esq.  
Attorneys for Claimant